



December 31, 2015

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Connect America Fund; Connect America Phase II Challenge Process
Correction to the Record, and Update for CAF Phase II Funding Determinations
WC Docket Nos. 10-90; 14-93

Dear Ms. Dortch:

I. INTRODUCTION

In the FCC's March 30, 2015 Phase II Challenge Process Resolution Order, *Connect America Fund, High-Cost Universal Service Support*, Order, WC Docket Nos. 10-90 and 14-93, 30 FCC Rcd 2718 (2015), the Wireline Competition Bureau concluded the Connect America Phase II Challenge Process and provided the final determination regarding all challenged census blocks. The announcement included 539 locations in the Hays, Kansas exchange in Ellis County as eligible for support to price cap carrier, AT&T in the amount of \$261,283.

Nex-Tech did participate in the challenge process and supplied maps of the Hays, Kansas exchange showing its fiber-to-the-premise ("FTTP") facilities in 100% of the census blocks in the Hays, Kansas exchange. Although Nex-Tech submitted the appropriate map information demonstrating that all census blocks in the Hays, Kansas exchange are fully served with FTTP broadband service, unfortunately, the Form 505 list of census blocks that supported the facility maps inadvertently omitted the census blocks containing the 539 locations approved for CAF Phase II funding. We discovered the error when the FCC released its CAF Phase II Accepted Areas Map for certain areas in Kansas, which included areas served by Nex-Tech (Attachment 1). The remaining census blocks in the Hays, Kansas exchange were included both in the Form 505 census block list and the supporting maps, and appear to be properly excluded from the CAF Phase II eligible census blocks.

It would be erroneous for the FCC to award CAF Phase II funds for the 539 locations in the Hays, Kansas exchange in light of the map information already in the FCC's record. Furthermore, it would be a misappropriation of funds for the FCC to now award CAF Phase II funds to the price cap carrier serving the 539 locations in the Hays, Kansas exchange, Ellis County census blocks that were inadvertently omitted from the Form 505 list of census blocks, but that were properly shown as served on the supporting maps (Attachment 2). Nex-Tech serves 100% of these 539 locations with fiber to the premises and customers have access to 1 GB service, if desired.

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Ms. Marlene Dortch
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II. BACKGROUND

Broadband Initiatives Program (BIP) Award

The Hays, Kansas exchange was included in its entirety as part of the Rural Telephone Service Co., Inc. and Nex-Tech, Inc., dba Nex-Tech's BIP application. The proposed, and subsequently implemented network for the Hays, Kansas exchange is Fiber-to-the-Premise. Currently, Nex-Tech provides 1 GB to 100% of all census blocks, with availability to all locations, within the Hays, Kansas exchange in Ellis County.

On August 18, 2009, Rural Telephone Service Company, Inc. applied for a BIP grant/loan. The proposal included funding for three service areas, including the Hays, Kansas exchange in Ellis County, that, together, consisted of 21 towns and 26 rural areas exhibiting the greatest need for broadband in western Kansas. Combined, the service areas improve or provide broadband to 22,714 designated census community establishments, including 335 community and anchor institutions, critical community facilities and public safety entities (community anchor institutions), spanning over 4,600 miles.

On February 20, 2010, Nex-Tech was granted this award. All construction was completed by December 31, 2014 and the close-out report for the entire project was filed with RUS on September 9, 2015.

477 Filing

As further support that the 539 referenced census blocks are served, attached is the Form 477 filing documentation as of December 31, 2014, (Attachment 3) listing the census blocks that are currently being reported by Nex-Tech. The census blocks that are served by Nex-Tech listed in this filing include the 539 locations in the Hays, Kansas exchange in Ellis County that are inadvertently included as CAF Phase II eligible census blocks.

The census blocks are shown in green on the attached map (Attachment 4), along with the exchange boundary for the Hays, Kansas exchange shown in red. All locations within the red exchange boundary line are served with fiber to the premises and should not be eligible for CAF Phase II funding. A more detailed map correlating the referenced 539 census blocks on the map of the Hays, Kansas exchange in Ellis County is also attached (Attachment 5).

III. CONCLUSION

The census-block specific evidence that has been on file with the Commission and that Nex-Tech reiterates here as supporting evidence in this submission demonstrates that the 539 locations in the census blocks in the Hays, Kansas exchange in Ellis County that were included as eligible in the CAF Phase II awards are already served 100% by FTP and 1 GB service. Nex-Tech respectfully requests that the FCC correct this error and remove these locations from the eligible list for CAF Phase II funding, in order to avoid duplication of funding to these locations and a waste of taxpayer money.

Sincerely,


Jimmy Todd
CEO/General Manager

Attachments

ATTACHMENT 1

CAF Phase II Accepted Areas Map for Certain Areas in Kansas

Connect America Fund Phase II - Accepted Areas Map



[View source \[1\]](#)

This map identifies the areas where some of the nation's largest phone companies, also known as price cap carriers, accepted Phase II support from the FCC's Connect America Fund to provide broadband and voice service over the next six years. The offer of Connect America Phase II model-based support was targeted to price cap areas that are high-cost, but not extremely high-cost. An area was classified as "eligible" if the average monthly cost-per-location for that census block, as calculated by the Connect America Cost Model (CAM) (version 4.3), was above the \$52.50 funding benchmark but below a \$198.60 extremely high cost threshold, and not served by an unsubsidized competitor, subsidized wireline competitor, or was not subject to specific types of bids in the rural broadband experiments. Eligible areas that were accepted are shown in bright green on the map. Declined funding will be made available at a future date through a competitive bidding process.

Empty areas with no color are either areas served by another class of carriers, called rate-of-return carriers, which are not eligible for the offer of model-based support from the Connect America Fund, but receive support from other universal service high-cost mechanisms; areas declined by price cap carriers; areas where the average monthly cost-per-location is above \$52.50 but below \$198.60, but the area was deemed served by an unsubsidized competitor, a subsidized wireline competitor, or was removed from the offer to price cap carriers due to the rural broadband experiments; areas where the average monthly cost-per-location was calculated by version 4.3 of the CAM as above \$198.60; and/or areas reported as uninhabited.

For more information about Connect America Phase II, refer to <https://www.fcc.gov/encyclopedia/price-cap-resources> [2].

Click here for the version of the map identifying the areas subject to the offer of support [3].

Generic map settings

Embed object code:

```
<iframe width="920" height="620" scrolling="no" frameBorder="0" src="https://fcc.github.io/caf-2-accepted-map/index.html"></iframe>
```

Public embed link:

```
<iframe src="https://fcc.github.io/caf-2-accepted-map/index.html">
```

Thumbnail image:



Dates

Updated/Reviewed Date:

Tue, 2015-09-01

Updated: September 1, 2015

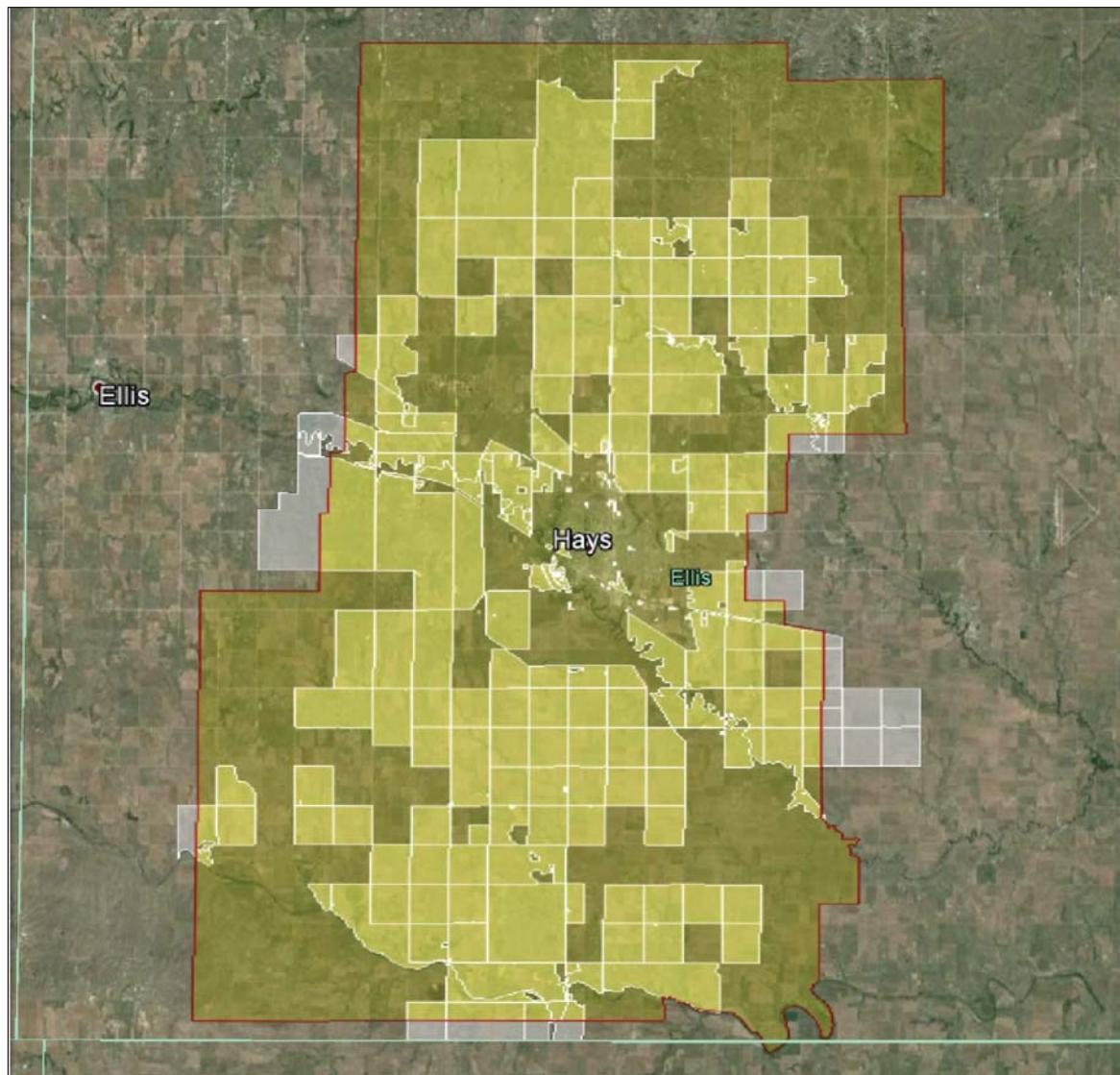
Source URL: <https://www.fcc.gov/maps/caf-2-accepted-map>

Links:

- [1] <https://www.fcc.gov/maps/caf-2-accepted-map>
- [2] <https://www.fcc.gov/encyclopedia/price-cap-resources>
- [3] <https://www.fcc.gov/maps/connect-america-phase-ii-final-eligible-areas-map>

ATTACHMENT 2

Supporting Maps Filed by Nex-Tech With the Form 505
Showing Census Blocks in Hays, Kansas Served by FTTP



Census blocks served by Nex-Tech Inc. Hays, KS Fiber To The Home

200510726001014	200510726002299	200510726002421	200510727021044
200510726001080	200510726002301	200510726002422	200510727021057
200510726001082	200510726002307	200510726002423	200510727021058
200510726001083	200510726002309	200510726002424	200510727021059
200510726001086	200510726002310	200510726002425	200510727021060
200510726001088	200510726002311	200510726002426	200510727021062
200510726001092	200510726002317	200510726002428	200510727021067
200510726001104	200510726002318	200510726002430	200510727021083
200510726001105	200510726002319	200510726002431	200510727021084
200510726001106	200510726002320	200510726002499	200510727021141
200510726001107	200510726002321	200510726002509	200510727021156
200510726001117	200510726002322	200510726002510	200510727021160
200510726001135	200510726002324	200510726002560	200510727021164
200510726001136	200510726002330	200510726002561	200510727021188
200510726001137	200510726002331	200510727011059	200510727022050
200510726001138	200510726002334	200510727011073	200510727022061
200510726001207	200510726002341	200510727012005	200510727022070
200510726001209	200510726002342	200510727012013	200510727022079
200510726001211	200510726002343	200510727013038	200510727022089
200510726001212	200510726002347	200510727014033	200510727022090
200510726002137	200510726002349	200510727021007	200510727022093
200510726002210	200510726002350	200510727021008	200510727022098
200510726002280	200510726002351	200510727021010	200510727022102
200510726002281	200510726002354	200510727021011	200510727022120
200510726002283	200510726002355	200510727021019	200510727022122
200510726002286	200510726002363	200510727021030	200510727022128
200510726002288	200510726002410	200510727021035	200510727022129
200510726002289	200510726002412	200510727021036	200510727022130
200510726002291	200510726002418	200510727021038	200510728001002
200510726002295	200510726002419	200510727021039	200510728001017

Census Blocks continued on page 2

FTTX Boundary.

Census Block.

Census blocks served by Nex-Tech Inc.
Hays, KS Fiber To The Home

200510728001022	200510728006014	200510730001189	200510730001361	200510730001456
200510728001030	200510728006018	200510730001190	200510730001362	200510730001457
200510728001032	200510728006043	200510730001192	200510730001384	200510730001463
200510728001034	200510729001009	200510730001193	200510730001385	200510730001464
200510728001036	200510729001020	200510730001195	200510730001386	200510730001465
200510728001037	200510729001025	200510730001204	200510730001387	200510730001466
200510728001049	200510729001053	200510730001211	200510730001388	200510730001467
200510728001051	200510729001068	200510730001213	200510730001389	200510730001469
200510728001054	200510729001074	200510730001219	200510730001390	200510730001473
200510728001073	200510729001117	200510730001242	200510730001391	200510730001474
200510728001075	200510729001144	200510730001244	200510730001394	200510730001476
200510728001089	200510729001145	200510730001248	200510730001395	200510730001482
200510728001094	200510729001146	200510730001261	200510730001397	200510730001485
200510728001098	200510729001148	200510730001263	200510730001398	200510730001487
200510728001104	200510729001150	200510730001287	200510730001400	200510730001489
200510728001115	200510729001152	200510730001292	200510730001404	200510730001494
200510728001131	200510729001159	200510730001293	200510730001407	200510730001499
200510728001164	200510729001160	200510730001296	200510730001427	200510730001500
200510728001166	200510729001161	200510730001329	200510730001429	200510730001510
200510728001176	200510729001162	200510730001330	200510730001430	200510730001526
200510728001181	200510729003003	200510730001332	200510730001435	200510730001543
200510728001190	200510729005003	200510730001333	200510730001436	200510730001544
200510728001194	200510729005013	200510730001336	200510730001443	200510730001551
200510728003048	200510729005014	200510730001340	200510730001444	200510730001555
200510728003069	200510730001111	200510730001346	200510730001446	200510730001556
200510728004012	200510730001112	200510730001356	200510730001447	200510730001560
200510728004023	200510730001185	200510730001357	200510730001448	
200510728004039	200510730001186	200510730001358	200510730001449	
200510728005015	200510730001187	200510730001359	200510730001453	
200510728005066	200510730001188	200510730001360	200510730001454	

ATTACHMENT 3

Nex-Tech Form 477 Information Filed as of December 31, 2014
Listing Census Blocks Served by the Company

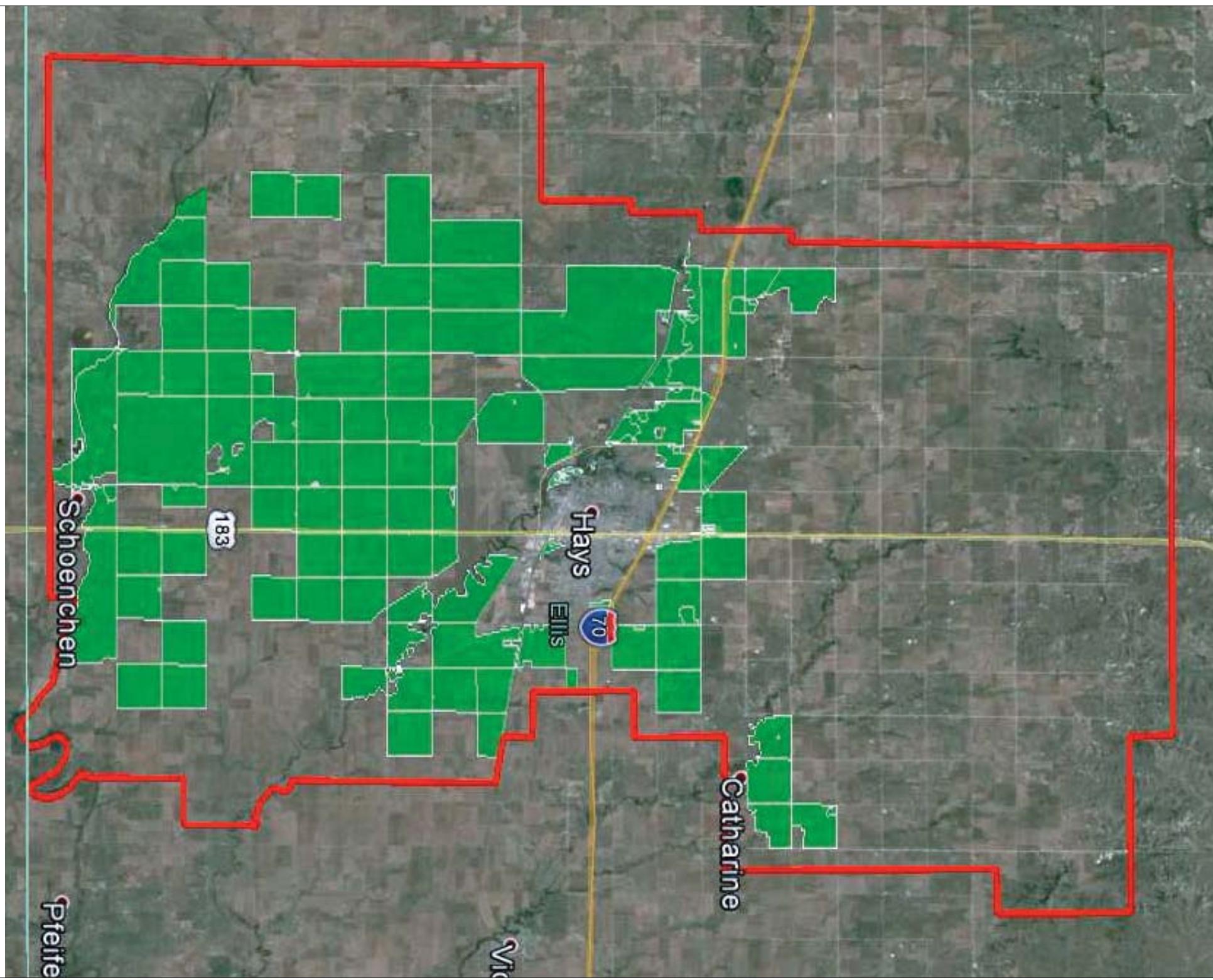
Census blocks
in yellow indicate
blocks awarded
to AT&T that are
served by Nex-Tech

051	051	0728	2005/0728003/053	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728002/054	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/050	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/051	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/052	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/053	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/054	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/055	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/056	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/057	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/058	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/059	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/060	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/061	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/062	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/066	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/067	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/068	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/069	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/070	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/071	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728003/072	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728004/002	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728004/003	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728004/004	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728004/005	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728004/006	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0728	2005/0728004/007	Nex-Tech, Inc	50	1	1024	1024	1	1024

051	051	0729	2005/0729001110	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001111	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001112	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001113	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001114	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001115	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001116	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001117	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001118	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001119	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001120	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001121	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001122	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001123	Nex-Tech, Inc	50	1	1024	1024	1	1024
051	051	0729	2005/0729001124	Nex-Tech, Inc	50	1	1024	1024	1	1024

ATTACHMENT 4

Map of Census Blocks Awarded to AT&T Within Nex-Tech's FTTP Service Area



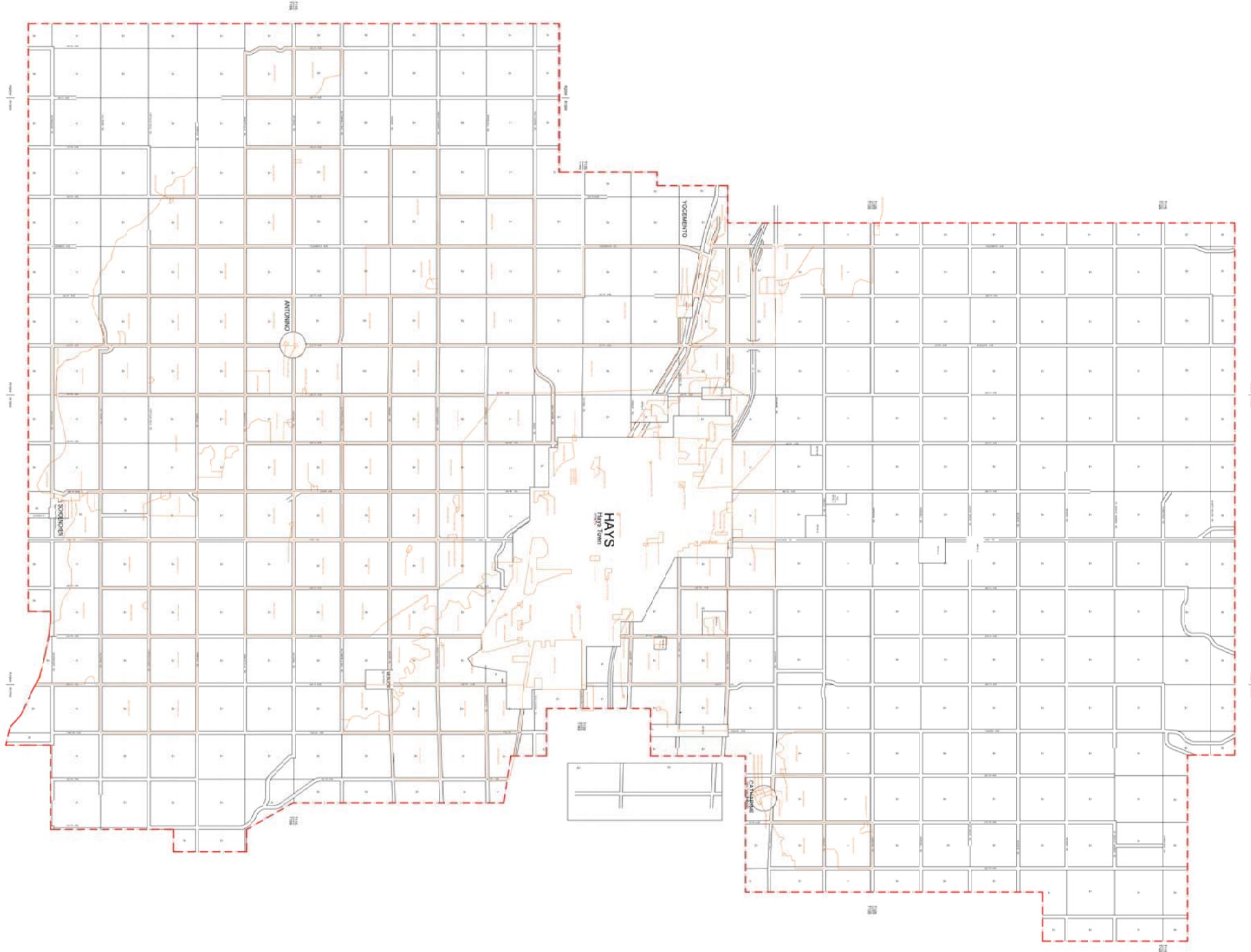
AT&T AWARDED CENSUS BLOCKS
NEX-TECH FTTX BOUNDARY (HAYS EXCHANGE)

NEX-TECH
HAYNS, KANSAS
RURAL
LEADERSHIP
MAP OF 01
CUTTING 12.02.2015
DRAFTED 11.10.2015
APPROVED BY:

ATTACHMENT 5

Detailed Map Correlating Awarded Census Blocks on the
Map of the Hays, Kansas Exchange

AT&T AWARDED CENSUS BLOCKS
NEX-TECH FTTX BOUNDARY (HAYS EXCHANGE)



HAYS, KANSAS

RURAL

163 N MAIN

LEON, KS 66446

JAN 2015

MAP OR 4

RELOTTED 12-10-2015

1110301010

PRINTED ON DATE

APPROVED ON DATE